

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER SCOTT CULVER, STAR #16309,) 03-2512
DEPARTMENT OF POLICE, CITY OF CHICAGO) CR#276716
)

FINDINGS & DECISION

On May 26, 2003, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Scott Culver, Star #16309 (hereinafter sometimes referred to as "Respondent") seeking the suspension of the Respondent for violating the following Rules pursuant to the attached

Stipulation:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and/or goals and/or brings discredit upon the Department.

Rule 6: Disobedience of an order or directive, whether written or oral.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Rule 14: Making a false report, whether written or oral.

Rule 38: Unlawful or unnecessary use or display of a weapon.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer Scott Culver before Michael G. Berland, Hearing Officer of the Police Board of the City of

Chicago on August 25, 2004.

The Police Board of the City of Chicago, as a result of its investigation of the charges, finds and determines that:

1. The Respondent was at all times a Police Officer employed by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. A partial hearing was conducted before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on August 25, 2004.

4. Throughout the hearing the Respondent did appear in person and was represented by counsel of his choice.

5. Prior to the conclusion of the hearing, the Superintendent and the Respondent entered into a Settlement Agreement And Stipulation (a copy of which is attached as Exhibit A), which the Police Board approved.

6. Respondent Police Officer Scott Culver, Star # 16309, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and/or goals and/or brings discredit upon the Department.

A. On or about December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Road, Evanston, Illinois, Police Officer Scott Culver disrespected and/or maltreated Floyd Delaney, Aubrey McGregor and/or Rommel McGregor in that he pushed and/or grabbed each of them one or more times and/or sprayed each of them in or about the face with an aerosol chemical device and/or agent, namely pepper spray.

B. On or about December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Road, Evanston, Illinois, Police Officer Scott Culver engaged in an unjustified verbal or physical altercation with any person, while on or off duty in that he verbally abused the family and/or friends of a homicide victim by referring to them as "savages."

C. On or December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Road, Evanston, Illinois, Police Officer Scott Culver disobeyed a direct order to stop discharging his chemical device and/or agent given to him by Sergeant James O'Grady, Star#2391.

D. On or December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Road, Evanston, Illinois, Police Officer Scott Culver failed to maintain a courteous and professional demeanor when dealing with the family and/or friends of a homicide victim in violation of General Order 80-18, Item V-B.

E. On or December 1, 2001, at or near St. Francis Hospital

located at 355 Ridge Road, Evanston, Illinois, Police Officer Scott Culver disobeyed a direct order to stop discharging his chemical device and/or agent, and/or a direct order not to approach the family and or friends of the homicide victim and/or a direct order to remain at the hospital until the watch commander arrived, given to him by Sergeant James O'Grady, Star #2391.

F. On or December 1, 2001, Police Officer Scott Culver gave a false account of the incident that occurred on or about December 1, 2001 at or near St. Francis Hospital, located at 355 Ridge Road, Evanston, Illinois, in his Weapons Discharge Report and/or On January 29, 2002, in his statement to the Office Of Professional Standards.

7. Respondent Police Officer Scott Culver, Star # 16309, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral.

A. On or December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Road, Evanston, Illinois, Police Officer Scott Culver disobeyed an order or directive, whether oral or written, in that he sprayed an aerosol chemical device and/or agent, namely pepper spray, into or about the faces of Floyd Delaney, Aubrey McGregor and/or Rommel McGregor without justification, in violation of General Order 92-3, Addendum 7B,

Item 111 B-1 and 2.

B. On or December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Road, Evanston, Illinois, Police Officer Scott Culver disobeyed an order or directive, whether written or oral, in that he failed to maintain a courteous and professional demeanor when dealing with the family and/or friends of a homicide victim, in violation of General Order 80-18, Item V-B.

C. On or December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Road, Evanston, Illinois, Police Officer Scott Culver disobeyed an order or directive, whether oral or written, in that he disobeyed a direct order to stop discharging his chemical device and/or agent, given to him by Sergeant James O'Grady, Star#2391.

D. On or December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Road, Evanston, Illinois, Police Officer Scott Culver disobeyed an order or directive, whether written or oral, in that he disobeyed a direct order not to approach the family and/or friends of the homicide victim, given to him by sergeant James O'Grady, Star #2391.

E. On or December 1, 2001, at or near St. Francis Hospital located at 355 Ridge Road, Evanston, Illinois, Police Officer Scott Culver disobeyed an order or directive, whether written or oral, in that he disobeyed a direct order to remain at the hospital until the watch commander arrived, given to him by

Sergeant James O'Grady, Star #2391.

8. Respondent Police Officer Scott Culver, Star #16309 charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

A. On or about December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Road, Evanston, Illinois, Police Officer Scott Culver, disrespected and/or maltreated Floyd Delaney, Aubrey McGregor and/or Rommel McGregor, in that he pushed and/or grabbed each them one or more times and/or sprayed each of them in or about the face with an aerosol chemical device and/or agent, namely pepper spray.

9. Respondent Police Officer Scott Culver, Star #16309 charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

A. On or about December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Road, Evanston, Illinois, Police Officer Scott Culver, engaged in an unjustified verbal or physical altercation with any person, while off duty, in that he verbally abused the family and/or friends of a homicide victim by referring to them as savages.

10. Respondent Police Officer Scott Culver, Star #16309

charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 14: Making a false report, whether written or oral.

A. On or about December 2, 2001, Police Officer Scott Culver, made a false report, whether written or oral, in that he gave a false account of the incident that occurred on or about December 1, 2001, at or near St. Francis Hospital located at 355 Ridge Avenue, Evanston, Illinois, in his Weapons Discharge Report.

B. On or about January 29, 2002, Police Officer Scott Culver, made a false report, whether written or oral, in that he gave a false account of the incident that occurred on or about December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Avenue, Evanston, Illinois, to the Office Of Professional Standards.

11. Respondent Police Officer Scott Culver, Star #16309 charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

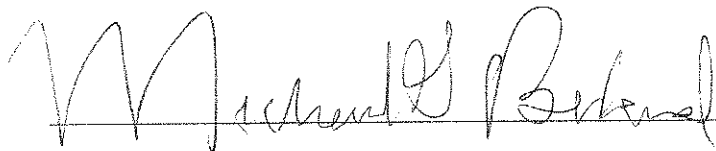
Rule 38: Unlawful or unnecessary use or display of a weapon.

A. On or about December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Road, Evanston, Illinois, Police Officer Scott Culver, engaged in an unlawful and/or unnecessary use and/or display of his weapon, in that while on duty, he pointed and/or sprayed an aerosol chemical device and/or agent,

namely pepper spray, into or about the faces of Floyd Delaney, Aubrey McGregor and/or Rommel McGregor without justification.

By reason of the fact that Police Officer Scott Culver, Star#16309, is guilty of violating Rules 2, 6, 8, 9, 14 and 38, and by reason of the Settlement Agreement And Stipulation which the parties executed and which the Police Board approved, cause exists for the suspension of Scott Culver from his position as a Police Officer with the Department of Police and from the City of Chicago from May 29, 2003 to and including September 29, 2004 with restoration of all rights and benefits thereafter.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael G. Berland", written over a horizontal line.

Michael G. Berland, Hearing Officer

D E C I S I O N

The members of the Police Board, having read and reviewed the proposed Settlement Agreement and Stipulation, hereby accepts said Stipulation and finds as follows:

IT IS HEREBY ORDERED that the Respondent in Police Board Case No. 03-2512, Police Officer Scott Culver, Star # 16309, is guilty of violating Rules 2, 6, 8, 9, 14, and 38, and is hereby suspended from his position as a Police Officer, and from the services of the City of Chicago, from May 29, 2003, to and including September 29, 2004, with restoration to his position on September 30, 2004.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 5th DAY OF OCTOBER, 2004.

James L. Carr
William C. Fox
Theresa Spillane
Patricia C. Bobb
Vicki Brown
Mike Smith
Scott Davis
Bryan
Paul
Executive Director, Police Board

D I S S E N T

The following members of the Police Board hereby dissent
from the decision of the majority of the Board.

RECEIVED A COPY OF THIS COMMUNICATION

THIS _____ DAY OF _____, 2004

SUPERINTENDENT OF POLICE

POLICE BOARD CITY OF CHICAGO

**BEFORE THE POLICE BOARD
OF
THE CITY OF CHICAGO**

9.21.04

IN THE MATTER
OF CHARGES AGAINST
SCOTT CULVER,

Case No. 03-2512

Respondent.

SETTLEMENT AGREEMENT AND STIPULATION

Respondent, Police Officer Scott Culver, by his attorney, Thomas J. Royce, and the Superintendent of Police, Philip J. Cline, by his attorney, Mara S. Georges, Corporation Counsel of the City of Chicago, herein stipulate and agree to the following:

1. On May 26, 2003, the Superintendent filed charges with the Police Board of the City of Chicago (the "Police Board") seeking discharge against the Respondent, Police Officer Scott Culver, Star Number 16309. The Superintendent alleges that, (1) on or about December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Avenue, Evanston, Illinois, Police Officer Scott Culver, disrespected and/or maltreated Floyd Delaney, Aubrey McGregor and/or Rommel McGregor, in that he pushed and/or grabbed each of them one or more times and/or sprayed each of them in or about the face with an aerosol chemical device and/or agent, namely pepper spray; (2) on or about December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Avenue, Evanston, Illinois, Police Officer Scott Culver engaged in an unjustified verbal or physical altercation with any person, while on or off duty, in that he verbally abused the family and/or friends of a homicide victim by referring to them as "savages;" (3) on or about December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Avenue, Evanston, Illinois, Police Officer Scott Culver disobeyed a direct order to stop discharging his chemical device and/or agent, given to him by Sgt. James O'Grady, Star

EXHIBIT A

#2391; (4) on or about December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Avenue, Evanston, Illinois, Police Officer Scott Culver failed to maintain a courteous and professional demeanor when dealing with the family and/or friends of a homicide victim, in violation of General Order 80-18, Item V-B; (5) on or about December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Avenue, Evanston, Illinois, Police Officer Scott Culver disobeyed a direct order to stop discharging his chemical device and/or agent, and/or a direct order not to approach the family and/or friends of the homicide victim, and/or a direct order to remain at the hospital until the watch commander arrived, given to him by Sgt. James O'Grady, Star #2391; (6) on or about December 2, 2001, Police Officer Scott Culver, gave a false account of the incident that occurred on or about December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Avenue, Evanston, Illinois, in his Weapons Discharge Report and/or on January 29, 2002, in his statement to the Office of Professional Standards; (7) on or about December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Avenue, Evanston, Illinois, Police Officer Scott Culver disobeyed an order or directive, whether written or oral, in that he sprayed an aerosol chemical device and/or agent, namely pepper spray, into or about the faces of Floyd Delaney, Aubrey McGregor and/or Rommel McGregor without justification, in violation of General Order 92-3, Addendum 7B, Item III B-1 and 2; and (8) on or about December 1, 2001, at or near St. Francis Hospital, located at 355 Ridge Avenue, Evanston, Illinois, Police Officer Scott Culver, engaged in an unlawful and/or unnecessary use and/or display of his weapon, in that while on duty he pointed and/or sprayed an aerosol chemical device and/or agent, namely pepper spray, into or about the faces of Floyd Delaney, Aubrey McGregor and/or Rommel McGregor without justification.

2. Police Officer Scott Culver was suspended without pay on May 29, 2003.

3. The parties, through their attorneys, have advised the Police Board that they desire to resolve this case without the burden and delay of further litigation, and that an agreement has been reached by the parties which is set forth herein. It is agreed that neither this Stipulation and Settlement Agreement nor any of its terms shall be offered or received in evidence in any civil or administrative action or proceedings, or used in any manner whatsoever, as an indication of wrongdoing, or of the legal position in these proceedings, of the Chicago Police Department, the Superintendent of Police, or any of its officers, agents, or employees of the City of Chicago including the respondent herein. The parties expressly state that they are entering into this Stipulation and Settlement Agreement solely for the purposes of avoiding further expense, inconvenience and the distraction of burdensome litigation.
4. The parties have agreed upon the imposition of a time-served suspension to resolve this matter. The parties have agreed that Police Officer Scott Culver will not be paid any back pay. Therefore, in consideration of the provisions of this Stipulation and Settlement Agreement, the Superintendent recommends to the Police Board that Police Officer Scott Culver be suspended for the period from May 29, 2003 up to and including September 29, 2004. Police Officer Scott Culver will be returned to his position on September 30, 2004.
5. In consideration of the provisions of this Stipulation and Settlement Agreement, the respondent agrees to hold harmless, release and forever discharge the City of Chicago, its departments, officers, agents and employees from any actions, claims, causes of actions, demands, losses, damages or conditions or reinstatement arising out of the suspension herein referred to.
6. The parties expressly understand that the terms and obligations of this Stipulation and

Settlement Agreement are subject to and conditioned upon acceptance and adoption by the Police Board. In the event that this Stipulation and Settlement Agreement is not accepted by the Police Board, it shall be deemed null and void, and this matter shall be returned to the Board's calendar for hearing, and no facts or admissions referenced in this agreement shall be used against either party.

7. If the Police Board enters an order accepting and adopting the provisions of this Stipulation and Settlement Agreement, the respondent waives any and all forms of review of that order, in any forum whatsoever.
8. The parties further agree that this Stipulation and Settlement Agreement, and all of its terms, contains the entire agreement between the parties, and shall be binding on the parties, their representatives, successors and assigns.

City of Chicago
Department of Police

X Scott Culver
Police Officer Scott Culver

By: Lt. Robert A. Cline
for Philip J. Cline
Superintendent of Police

MARA S. GEORGES
Corporation Counsel of the City of Chicago

Thomas J. Royce
Thomas J. Royce
Attorney for Respondent

By: Tenaya N. Williams
Tenaya N. Williams
Assistant Corporation Counsel

Dated: 9/13/04